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MS 16
PATENT
1781-0178P

PATENT MAINTENANCE
DIVISION
NOV 05 2003
NOV -7 PM 1:01
PATENT & TRADEMARK
OFFICE

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Jeak Ling DING et al. Conf.: 2336
Appl. No.: 09/426,776 Group: 1645
Filed: October 26, 1999 Examiner: Ja-Na HINES
For: ISOLATED NUCLEIC ACIDS ENCODING A SECRETORY
SIGNAL FOR EXPRESSION AND SECRETION OF
HETEROLOGOUS RECOMBINANT PROTEINS

ATTN: REFUND SECTION
ACCOUNTING DIVISION
OFFICE OF FINANCE

REQUEST FOR REFUND

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

November 5, 2003

This is a request for a refund of certain extension fees and an appeal fee in the subject application.

A Final Rejection was issued in this application of 6 May 2003. Less than three months later, on 24 July 2003, Applicants filed an Amendment in response to the Final Rejection. The Amendment was thus filed in advance of the 6 August 2003 response due date. The PTO "PAIR" system indicates that the Amendment was forwarded to Examiner Hines on 13 August 2003.

The Examiner failed to act on the Amendment by 6 September 2003, which

necessitated the purchase of a first extension of time. Applicants do not request a refund of the fee for the first extension of time. The Examiner failed to act on the Amendment by 6 October 2003, two-and-a-half months after it was filed. Applicants request a refund of the fee for the second extension of time. The Examiner failed to act on the Amendment by 6 November 2003, three-and-a-half months after it was filed. Applicants request a refund of the fee for the second extension of time. Inasmuch as 6 November 2003 is the fully extended statutory period for response, Applicants were compelled to file a Notice of Appeal in order to maintain the application in a pending status. Applicants request a refund of the fee for the Notice of Appeal.


Applicants' request for refunds of the second and third months' extension fees and the Notice of Allowance fee are manifestly justified, due to the inordinate and unexplained delay on the part of the PTO in acting on the Amendment that was filed on 24 July 2003.

The total amount of the refund requested is \$440.00. Please make the refund by crediting Deposit Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #3288
Mark J. Nuell
Reg. No. 36,623

DRN/RG 

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 09426776

Total Records Found: 14

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
11/08/1999	00000004	<u>1</u>	<u>201</u>	\$380.00	10/26/1999	CK
11/08/1999	00000005	<u>1</u>	<u>203</u>	\$459.00	10/26/1999	CK
11/08/1999	00000006	<u>1</u>	<u>202</u>	\$117.00	10/26/1999	CK
11/08/1999	00000009	<u>4</u>	<u>704</u>	-\$12.00	10/26/1999	CK
11/08/1999	00000008	<u>1</u>	<u>581</u>	\$40.00	10/26/1999	CK
11/08/1999	00000007	<u>1</u>	<u>204</u>	\$130.00	10/26/1999	CK
11/30/1999	00000020	<u>1</u>	<u>567</u>	\$30.00	11/29/1999	DA 022448
05/19/2000	00000106	<u>1</u>	<u>581</u>	\$40.00	05/10/2000	CK
06/20/2000	00000167	<u>1</u>	<u>202</u>	\$39.00	06/19/2000	CK
06/20/2000	00000168	<u>1</u>	<u>203</u>	\$27.00	06/19/2000	CK
02/16/2001	00000003	<u>1</u>	<u>215</u>	\$55.00	01/22/2001	DA 022448
05/24/2002	00000107	<u>1</u>	<u>216</u>	\$200.00	05/23/2002	CK
11/06/2003	00000044	<u>1</u>	<u>2401</u>	\$165.00	11/05/2003	CK
11/06/2003	00000045	<u>1</u>	<u>2253</u>	\$475.00	11/05/2003	CK

*request for notice of Appeal
extension of time*